

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #12	CCRB Case #: 201800405	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/17/2018 12:05 PM	Location of Incident: 7th Avenue and West 32rd Street	Precinct: 14	18 Mo. SOL 7/17/2019	EO SOL 7/17/2019	
Date/Time CV Reported Wed, 01/17/2018 12:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/17/2018 12:34 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Gabriel Castro	18303	926685	TAXI UT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Gabriel Castro	Abuse: Police Officer Gabriel Castro refused to provide his name and/ or shield number to § 87(2)(b)				

Case Summary

On January 17, 2018, § 87(2)(b) filed this complaint with the CCRB via phone.

On January 17, 2018, at about 12:05 p.m., § 87(2)(b) was sitting inside his taxi, at the intersection of West 32nd Street and 7th Avenue in Manhattan, when he was pulled over by PO Gabriel Castro, of the Surface Transportation Enforcement Division, and issued a summons for obstructing a crosswalk. After receiving the summons, § 87(2)(b) could not read PO Castro's name and asked PO Castro to provide his name and shield number. PO Castro allegedly replied, "Whatever is on my badge is on the summons" and walked away without verbally providing his information (**Allegation A: Abuse of Authority-Refusal to provide name and/ or shield number**, § 87(2)(g)).

There was no video footage of this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Gabriel Castro refused to provide his name and/ or shield number to § 87(2)(b)

§ 87(2)(b) initially said that when PO Castro handed him the summons, he left the scene, but returned when he realized he could not read PO Castro's name. § 87(2)(b) later said that immediately upon receiving the summons, he noticed that PO Castro's name was illegible and asked him, "Sir, can I see your badge number and your name?" PO Castro then replied, "Whatever is on my badge is on the summons." § 87(2)(b) did not reply to PO Castro's statement and PO Castro walked away from § 87(2)(b)'s vehicle. § 87(2)(b) also noted that at the time of the incident, PO Castro wore a raincoat which concealed his shield and therefore § 87(2)(b) was unable to obtain PO Castro's information visually. § 87(2)(b) denied providing PO Castro's name to the CCRB when initially filing this complaint (**Board Review 02**).

§ 87(2)(b)'s earlier phone statement and intake statement were generally consistent with his CCRB interview, but during his intake statement § 87(2)(b) read the information listed on the summons including the summons number, PO Castro's last name, Tax ID number, and command (**Board Review 01 and 10**).

§ 87(2)(b) provided two photographs of PO Castro taken by him with his cellphone during the incident. The photographs depict PO Castro wearing a dark-colored raincoat over his uniform while performing vehicle stops. One photo shows PO Castro from the front, partially obscured by a yellow cab and the second shows him from behind. PO Castro's shield cannot be seen in either photo (**Board Review 04 and 05**).

PO Castro said that after he handed a summons to § 87(2)(b), § 87(2)(b) did not ask him any questions and remained quiet. § 87(2)(b) did not request PO Castro's name and shield number and PO Castro denied saying to § 87(2)(b) "Whatever is on my shield is on the summons." PO Castro denied refusing to identify himself to § 87(2)(b) and said his shield was fully visible. PO Castro did not wear a raincoat on the day of the incident, but said that whenever he wears a raincoat, he attaches his shield to the outer layer of clothing so it is not obstructed. In total, PO Castro's interaction with § 87(2)(b) lasted approximately two minutes. After PO Castro handed the summons to § 87(2)(b), he left the scene to continue conduct traffic enforcement (**Board Review 03**).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 06).
- PO Castro has been a member of service for 17 years and has been a subject in one prior CCRB complaint and one allegation, which was not substantiated § 87(2)(g)
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation for this case.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- As of March 22, 2018, there was no Notice of Claim pertaining to this incident (Board Review 09).

Squad No.: 12

Investigator:	_____	<u>INV. WORONIECKI</u>	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	<u>I.M. RIGIE</u>	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date